IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 13TH SEPTEMBER 2007 / 22ND BHADRA 1929

Crl.Rev.Pet.No. 3245 of 2007()

CMP.3148/2007 of JUDL. MAGISTRATE OF FIRST CLASS-V, KOZHIKODE

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REVN. PETITIONER: PETITIONER

ABOOBACKER,
S/O. UNNIEN,AGED 52 YEARS,
PATTAMPURATHU VEEDU, KODAL AMSOM DESOM,
KOZHIKODE TALUK.

BY ADV. SRI.R.SUDHISH
SMT.M.MANJU

RESPONDENTS:

STATE OF KERALA
REPRESENTED BY S.I. OF POLICE
NALLALAM POLICE STATION,KOZHIKODE,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.K.S. SIVAKUMAR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 13/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Crl. R.P. 3245 of 2007

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Dated: 13-09-2007

ORDER

Heard both sides.

The petitioner is the registered owner and driver of the tipper lorry bearing Reg. No. KL-10/R.7889 allegedly involved in Crime No. 220 of 2007 of Nallalam Police Station for offences punishable under Section 4(1)(A) read with Sec. 21 of the Minor and Minerals (Development and Regulation) Act, 1957. His application for interim custody preferred as C.M.P. 3148 of 2007 before the J.F.C.M.-V, Kozhikode, was allowed subject to the condition that the petitioner should furnish surety of Rs. 5,00,000/-. According to the petitioner, the condition imposed by the court below is an onerous condition which the petitioner finds it difficult to comply with.

2. After hearing both sides, I of the view that the interim custody of the vehicle can be given to the petitioner on the following terms:-

1. The petitioner shall execute a bond for Rs. 5,00,000/- (Rupees five lakhs only) with two solvent sureties each for the like amount to the satisfaction of the court below.

2. The petitioner shall deposit a sum of Rs. 25,000/-(Rupees twenty five thousand only) by way of cash security before

the court below.

3) Before releasing the vehicle to the petitioner, an inventory of the same shall be prepared.

4) The petitioner shall keep the vehicle in good condition effecting all maintenance and repairs necessary to keep the vehicle road worthy.

5) The petitioner shall produce the vehicle before the court as and when called upon to do so.

The impugned order is set aside and the vehicle is ordered to be released on the above terms.

This Crl. Revision is disposed of as above.

V. RAMKUMAR,
(JUDGE)

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